

# CALIFORNIA STATE BOARD OF EDUCATION

## *State Board Members*

Robert L. Trigg, President  
Kathryn Dronenburg, Vice President

Marian Bergeson  
Susan Hammer  
Carlton J. Jenkins  
Marion Joseph  
Yvonne W. Larsen  
Monica Lozano  
Janet Nicholas  
Vicki Reynolds  
Nickolas Rodriguez

*Secretary & Executive Officer*  
Hon. Delaine Eastin

*Executive Director*  
John Mockler

# AGENDA

JANUARY 13-14, 2000

## SCHEDULE OF MEETINGS

Thursday, January 13, 2000

8:45 a.m. ±

STATE BOARD OF EDUCATION  
Closed Session – IF NECESSARY  
(The public may not attend.)

## LOCATION

Department of Education Building  
721 Capitol Mall, Room 166  
Sacramento, CA 95814  
(916) 657-5478

[Closed session may be changed to an earlier time, may begin at this time and recessed to a later time, or delayed to a later time.]

## CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Brian Ho, et al., v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, No. C-94-2418 WHO
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 *and cross-complaint and cross-petition for writ of mandate and related actions*
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 *and related appeal*
- *Campbell Union High School District. et al., v. State Board of Education et al.*, Sacramento Superior Court, No. 99CS00570
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, No. 281124; 192 CAL. App 3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx)
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Laguna v. State Board of Education*, San Diego Superior Court, Case No. 78926
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McLaughlin, et. al., v. California State Board of Education, et al.*, Alameda Superior Court, Case No. 800810-5 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Richard Wilson et al. V. State Board of Education*, San Francisco Superior Court, Case No. 995602 and related appeal
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. V. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL.

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(I)], including, but not limited to, litigation regarding adult education programs for English language and citizenship instruction; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)], including litigation regarding the Standardized Testing and Reporting (STAR) Program.

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

California State Board of Education

AGENDA ..... January 13-14, 2000

Thursday, January 13, 2000

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION

Public Session

Department of Education Building

721 Capitol Mall, Room 166

Sacramento, CA 95814

(916) 657-5478

Please see the detailed agenda for more information about the items to be considered and acted upon.  
The public is welcome.

Friday, January 14, 2000

7:45 a.m. ±

STATE BOARD OF EDUCATION

Closed Session -- If Necessary

(The public may not attend.)

Department of Education Building

721 Capitol Mall, Room 166

Sacramento, CA 95814

(916) 657-5478

Friday, January 14, 2000

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION

Public Session

Department of Education Building

721 Capitol Mall, Room 166

Sacramento, CA 95814

(916) 657-5478

Please see the detailed agenda for more information about the items to be considered and acted upon.  
The public is welcome.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY  
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 657-5478; fax, (916) 653-7016.

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD  
Public Session  
AGENDA

JANUARY 13-14, 2000

Department of Education  
721 Capitol Mall, Room 166  
Sacramento, California 95814  
(916) 657-5478

THURSDAY, JANUARY 13, 2000 – 9:00 a.m. (Upon Adjournment of Closed Session, if held)  
California Department of Education Building, Room 166

Call to Order

Salute to the Flag

Approval of Minutes (December 1999 Meeting)

Announcements

Communications

REPORT OF THE SUPERINTENDENT (May be held over to the Friday session)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1	State Board Projects. Subjects include: direction for future agenda items; State Board office budget, staffing and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; and other matters of interest.	INFORMATION ACTION
--------	---	-----------------------

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

ITEM 2	<b>PUBLIC COMMENT.</b> Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
ITEM 3	1999-2000 Gifted and Talented Education (GATE) Funding.	ACTION
ITEM 4	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 5	San Diego Unified School District Amendment to Special Education Local Plan Regarding the Community Advisory Committee (CAC).	ACTION
ITEM 6	Rescind Two State Board of Education Waiver Policies/Guidelines: (1) Prospective Waivers of the Minimum Instructional Time; and (2) Waivers of Class Size Penalties.	ACTION
ITEM 7	Comprehensive School Reform Demonstration Program: Implementing California's Standards in Reading/Language Arts and Mathematics. (Additional Grant Award to the Sacramento City Unified School District.)	INFORMATION ACTION
ITEM 8	Appointments to the Child Nutrition Advisory Council.	ACTION
ITEM 9	Providers of Professional Development in Mathematics (AB 1331).	ACTION
ITEM 10	Approval of 1999-2000 Consolidated Applications.	ACTION
ITEM 11	New Criteria and Procedures for Special Education Local Plans (Education Code Sections 56100(b); 56205-56208).	ACTION
ITEM 12	Process for Approval of Special Education Local Plans.	ACTION
ITEM 13	California's State Policies and Procedures for Special Education.	INFORMATION
ITEM 14	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

ITEM 15	Proposed Guidelines to Implement the Provisions of Assembly Bill 116 (Mazzoni), Chapter 276, Statutes of 1999, to Prohibit Unnecessary Exposure to Commercial Brand Names, Product Names, and Corporate or Company Logos in Instructional Materials.	INFORMATION ACTION
---------	--	-----------------------

ITEM 16	Content Review Panel for Updating the History-Social Science Framework.	ACTION
---------	---	--------

\*\*\*PUBLIC HEARING\*\*\*

BEGINS AT 2:00 P.M., OR THEREAFTER AS THE BUSINESS OF THE STATE BOARD PERMITS.

ITEM 17	Regulations Defining Satisfactory Progress in Charter Schools (Title 5, California Code of Regulations, Section 11965).	PUBLIC HEARING ACTION
---------	---	-----------------------------

\*\*\*END OF PUBLIC HEARING\*\*\*

ITEM 18	Standardized Testing and Reporting (STAR) Program, including, but not limited to, an update on the implementation of STAR 2000 and consideration of amendments to the contract with the publisher of the designated test.	INFORMATION ACTION
---------	---	-----------------------

ITEM 19	High School Exit Examination.	INFORMATION
---------	-------------------------------	-------------

ITEM 20	Legislative Item.	INFORMATION ACTION
---------	-------------------	-----------------------

ITEM 21	English Learner Advisory Committee.	INFORMATION
---------	-------------------------------------	-------------

ITEM 22	Recommendations from the 1999-2000 Student Advisory Board on Education.	INFORMATION ACTION
---------	---	-----------------------

ITEM 23	Moral and Civic Education Handbook.	INFORMATION
---------	-------------------------------------	-------------

NOTE: A dinner honoring departing members of the State Board of Education will be held at Frank Fat's (806 L Street, Sacramento, CA) following this day's session.

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

FRIDAY, January 14, 2000 – 8:00 a.m. (Upon Adjournment of Closed Session, if held)

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

#### SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

#### ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day's meeting may be considered.

The State Board will also consider and take action on the following agenda items.

### WAIVER REQUESTS

#### CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board's attention.

#### PROGRAM QUALITY REVIEW

ITEM WC-1	Request by Summerville Union High School District to waive Education Code section 64001(c) to postpone Program Quality Review for one year. CDSIS-35-10-99 (Recommended for APPROVAL)	ACTION
ITEM WC-2	Request by San Rafael High School District for Terra Linda High School to waive Education Code section 64001(c) to postpone Program Quality Review for one year. CDSIS-11-11-99 (Recommended for APPROVAL)	ACTION
ITEM WC-3	Request by Oakdale High School to waive Education Code section 64001(c) to postpone Program Quality Review for one year. CDSIS-26-11-99 (Recommended for APPROVAL)	ACTION

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

## NON-CONSENT MATTERS

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

### COMMUNITY DAY—CO-MINGLE GRADES K-6 WITH 7-12

ITEM W-1	Request by Summerville Elementary School District for a waiver of Education Code section 48916.1(d) relating to district community day schools serving K-6 students with 7-12 students in a combined program (K-8 district, grades 4-8 only). CDSIS-25-11-99 (Recommended for APPROVAL)	ACTION
----------	---	--------

### COMMUNITY DAY—EXPENDITURE OF FUNDS

ITEM W-2 Re-submission from November SBE Meeting	Request by Grenada Elementary School District to waive portions of Education Code section 48660.2 related to Community Day Schools, to allow expenditure of funds for lease-purchase agreements for facilities. CDSIS-34-8-99 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
--	---	--------

### EVALUATION OF PERFORMANCE OF CERTIFICATED EMPLOYEES

ITEM W-3	Request by Oxnard Union High School District to waive a portion of 44554(a) to allow permanent teachers to be evaluated every three (3) years instead of every other year. (Those with satisfactory evaluations) CDSIS-4-10-99 (Recommended for APPROVAL)	ACTION
----------	---	--------

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---



#### INDEPENDENT STUDY

ITEM W-4	Request by Loma Prieta Joint Union School District for a waiver of Education Code section 51745.6 requirements for independent study affecting apportionment, with prospective effect. CDSIS-19-11-99 (Recommended for APPROVAL with condition) E. C. 33051 (c) will apply	ACTION
----------	---	--------

#### INSTRUCTIONAL TIME PENALTY

ITEM W-5	Request by Richgrove Elementary School District to waive the <u>full-longer day instructional time penalty</u> and the <u>full penalty</u> that is based on <u>falling below their 1982-83 instructional minute</u> baseline for the 1997-98 fiscal year. CDSIS-135-6-99 (Recommended for APPROVAL)	ACTION
----------	---	--------

#### INSTRUCTIONAL TIME AND STAFF DEVELOPMENT REFORM PROGRAM (SB 1193)

ITEM W-6	Request from two (2) School Districts and County Offices of Education (for country-run community school programs only) pursuant to E.C. 44579.4 from the recently implemented SB 1193, School Finance: Staff Development. This waiver allows the one time waiver for 1998-99 only, of portions of the instructional time requirements set forth in Article 8 (commencing with section 46200) of Chapter 2 of Part 26 so that these agencies may count and claim the waived number of staff development days as instructional time. (LISTING OF DISTRICTS IS ATTACHED) (Recommended for APPROVAL for one year only)	ACTION
----------	--	--------

#### NON-PUBLIC SCHOOL/AGENCY (application date waiver)

ITEM W-7	Request by one (1) district and one (1) SELPA to waive the requirement in E.C. section 56366.1(h), the requirement for a Non Public School or Agency to apply for renewal of their certification between August 1 and October each year. CDSIS-20-11-99 Cinnabar School District CDSIS-8-12-99 Santa Clara County Office of Education SELPA (Recommended for APPROVAL)	ACTION
----------	---	--------

#### NON-PUBLIC SCHOOL/AGENCY (CHILD SPECIFIC)

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

ITEM W-8	Request by West End SELPA to waive certification requirements for Behavior Intervention-Implementation Services (BII) for one student Julian F. provided by Kelli Williams of Pediatric Developmental Associates (PDA). CDSIS-63-1-99 (Recommended for APPROVAL)	ACTION
----------	--	--------

#### PETITION

ITEM W-9	Request by Summerville Elementary School District to purchase non-adopted Instructional Resources using Instructional Materials Fund (IMF) monies, (Saxon Math Program). CDSIS-13-11-99 (Recommended for APPROVAL)	ACTION
----------	--	--------

#### PHYSICAL EDUCATION

ITEM W-10	Request by Santa Rosa Unified School District requests to reduce the two-year physical education course requirement for high school graduation to <u>three (3) semesters on a districtwide basis.</u> CDSIS-23-11-99 (Recommended for DENIAL)	ACTION
-----------	---	--------

#### REGIONAL OCCUPATIONAL CENTERS/PROGRAMS

ITEM W-11	Request by the Contra Costa County Office of Education ROP to waive Education Code Section 52314.6, regarding an increase in the ROP enrollment of students under the age of 16. CDSIS-16-11-99 (Recommended for APPROVAL on the condition that the under 16 ADA may not exceed 10% or 250 ADA.) E. C. 33051 (c) will apply	ACTION
-----------	---	--------

#### STATE MEAL MANDATE (Saturday School Session)

ITEM W-12	Request by Heber Elementary School District to waive the State Meal Mandate during the Saturday School Session. CDSIS-9-10-99 (Recommended for APPROVAL) E. C. 33051 (c) will apply	ACTION
-----------	---	--------

\*\*\*END OF WAIVERS\*\*\*

ITEM 24	Annual Report of General Waiver Activity: January 1998 – December 1998.	INFORMATION
---------	---	-------------

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---

ITEM 25	United States Senate Youth Program Awards 2000. (Special order of business at approximately 10:15 a.m.)	INFORMATION
ITEM 26	California Teachers of the Year 2000. (Special order of business at approximately 10:30 a.m.)	INFORMATION

#### ADJOURNMENT

NOTE: A luncheon honoring the California Teachers of the Year will be held at Vizcaya (2019 – 21<sup>st</sup> St.) beginning at approximately 11:30 a.m.

---

For more information concerning this agenda, please contact John Mockler, Executive Director of the California State Board of Education, or Greg Geeting, Education Programs Consultant, at 721 Capitol Mall, Room 532, P.O. Box 944272, Sacramento, CA 94244-2720; telephone, (916) 657-5478; fax (916) 653-7016.

---